

## California Fair Political Practices Commission

### MEMORANDUM

**To:** Chairman Getman, Commissioners Downey, Knox and Swanson

**From:** Hyla P. Wagner, Senior Counsel  
Luisa Menchaca, General Counsel

**Date:** February 19, 2003

**Subject:** **Adoption of Proposed Amendments to Regulation 18313 –  
Forms and Manuals**

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**Summary:** Section 83113 states that the Commission will publish the forms, manuals and instructions for the disclosure required by the Political Reform Act.<sup>1</sup> The Commission's procedure for approving new and revised forms or manuals is set forth in regulation 18313, copy attached. Two minor amendments to this regulation are before the Commission for adoption. The first will permit distribution of forms and manuals to interested persons through electronic mail and the FPPC website rather than regular mail. The second clarifies that in cases where the forms and instructions have been translated into Spanish, if a discrepancy arises between the English version and the translation, the English version controls.

**1. Existing regulation 18313.** This regulation provides that the Commission will maintain a list of persons interested in its forms and manuals, and that the Commission will mail a copy of a new/revised form or manual to persons on the list no later than 30 days prior to the Commission's consideration of the document. The new/revised form or manual then appears on the next regular meeting agenda of the Commission for adoption. The Commission may adopt the form, manual, revision or supplement, make changes to it and adopt it as modified, reject it, or schedule an interested persons meeting on the document.

**2. Distributing new and revised forms or manuals electronically for public comment.** Regulation 18313 currently provides that the Commission will mail copies of new/revised forms or manuals to everyone on its interested persons list no later than 30 days before the Commission considers the new form or manual. In December of 2002, the Commission approved a publication policy for major publications, including FPPC forms and manuals. The new policy provides that final publication is to be posted on the Commission's website. Initial publication includes notice to the public and invitation for public comment. With the establishment of this new policy, it is necessary to amend the regulation to clarify that electronic postings are contemplated. Also, with the development of the Commission's website and the increasing use of electronic mail, it is

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<sup>1</sup> Government Code sections 81000-91014. Commission regulations appear at Title 2, sections 18109-18997, of the California Code of Regulations.

more efficient to notify interested persons of new/revised forms or manuals by electronic mail, and make the revised document available for review on the Commission's website.

To reflect the above, the first proposed amendment to subdivision (b) of regulation 18313 states that a new/revised form or manual may be made available to interested persons through electronic mail and the Commission's website, rather than through the postal service. Under such a change, the new/revised forms and manuals will continue to be made available for public comment to those on the interested persons list. However, the Commission will save staff resources and the costs of photocopying and postage required to send draft forms and manuals by regular mail.

**3. For forms that were translated into Spanish, the English version controls in the event of a discrepancy.** In 2002, the Commission authorized certain of its most commonly used forms and instructions to be translated into Spanish. The forms that were translated are:

- Form 700 - Statement of Economic Interests
- Form 410 - Statement of Organization
- Form 501 - Candidate Intention Statement
- Form 460 - Recipient Committee Campaign Statement

The second minor amendment proposed for regulation 18313 provides that in the event of an inconsistency between the English version of a form or manual and the translation into Spanish, the English version controls. The FPPC staff working on the translated forms became concerned about which version would prevail if a discrepancy arose between the two. Numerous statutes outside the Act contain provisions stating that the English language version of contracts, regulations, or informational materials is the official version and will control in the event of a dispute.<sup>2</sup> The forms working group thinks it would be helpful to add similar language to regulation 18313.

**Recommendation:** Staff recommends adoption of the amendments to regulation 18313 concerning providing notice to interested persons by electronic mail and stating that the English version of the forms prevails if it differs from the Spanish translation.

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<sup>2</sup> See e.g., 48 C.F.R. 52.225-14, Title 48-Federal Acquisition Regulations System, which states that if there is an inconsistency between any terms of the contract and a translation into another language, the English language meaning shall control; Cal. Ins. Code § 394, which provides that the insurance commissioner may approve insurance policies in languages other than English if the policyholder is given a copy of the same material in English and told that the English version is the official version; and Cal. Health & Safety Code § 1596.855, which states that the department's child day care licensing regulations may be provided in Spanish and other languages as a convenience to the reader, but that in the event of a discrepancy between the versions, the English version shall control.